1 2 3	Anne Hiaring Hocking, Cal. Bar No. 88639 anne@hiaringsmith.com Vijay K. Toke, Cal. Bar No. 215079 vijay@hiaringsmith.com	
4	HIARING + SMITH, LLP 101 Lucas Valley Road, Suite 300	
5	San Rafael, CA 94903 Telephone: (415) 457-2040 Facsimile: (415) 457-2822	
6 7	Attorneys for Plaintiff/Counterdefendant BLINKY INC.	
8	IN THE UNITED STATES DISTRICT COURT	
9	FOR THE NORTHERN DISTRICT OF CALIFORNIA	
10	OAKLAND DIVISION	
11	BLINKY INC., a California Corporation,	Case No.: CV-11-05487 SBA
12	Plaintiff,	STIPULATION FOR DISMISSAL OF
13	vs.	ACTION WITH PREJUDICE [Fed. R. Civ. P. 41(a)(1)(A)(ii)];
14	EMT LIGHTING, INC., a California	ORDER
15	Corporation, EMT TECHNOLOGIES, INC., a ) Nevada Corporation, EMT TECHNOLOGIES,)	
16	a sole proprietorship, GEORGE DANIEL ) WALLER, an individual, ROBERT )	
17	HENDERSON, an individual, and DOES 1 – )   100,	
18	Defendants.	
19	)	<b>Action Filed 11/10/2011</b>
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28	CV 11 05407 CD A. CITIDITI ATTION FOR I	1
	CV-11-05487 SBA: STIPULATION FOR DISMISSAL OF ACTION WITH PREJUDICE [Fed. R. Civ. P. 41(a)(1)(A)(ii)]	

### 1 STIPULATION FOR DISMISSAL WITH PREJUDICE 2 Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), IT IS HEREBY 3 STIPULATED by and between BLINKY, INC. ("Plaintiff" and "Counterdefendant") and GEORGE 4 DANIEL WALLER and SHERRY J. WALLER, as Husband & Wife dba ENERGY 5 MANAGEMENT TECHNOLOGIES ("Defendants" and "Counterclaimants"), by and through their 6 respective counsel of record herein, that the entirety of the above-captioned action, including 7 Plaintiff's Complaint as to all named defendants, and all claims therein. Counterclaimant's 8 Counterclaims, and all claims therein, shall be dismissed WITH PREJUDICE, and all claims 9 against DOE defendants shall be dismissed WITHOUT PREJUDICE. 10 The parties further stipulate and request that the Court retain jurisdiction to enforce the terms 11 of the Settlement Agreement in this action. 12 The parties stipulate that each party is to bear its own fees and costs. 13 IT IS SO STIPULATED. 14 DATED: August 7, 2012 HIARING + SMITH LLP 15 16 By: <u>/s/ Vijay K. Toke</u> Vijay K. Toke 17 Attorneys for Plaintiff and Counterdefendant BLINKY, INC. 18 19 DATED: August 7, 2012 **NEWHOUSE & ASSOCIATES** 20 21 By: \_\_/David E. Newhouse/\_\_ 22 David E. Newhouse Attorneys for Defendants and Counterclaimant 23 GEORGE DANIEL WALLER and SHERRY J. WALLER, 24 as Husband & Wife dba ENERGY MANAGEMENT TECHNOLOGIES 25 26 27

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PURSUANT TO STIPULATION, IT IS SO ORDERED. Dated: 8/9/12 The Honorable Saundra B. Almstrong United States District Judge 

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### **CERTIFICATE OF SERVICE**

#### STATE OF CALIFORNIA, COUNTY OF MARIN

I am employed in the County of Marin, State of California; my business address is 101 Lucas Valley Road, Suite 300, San Rafael, California 94903; I am over the age of 18 and not a party to the within action. On August 7, 2012, I served the following document(s):

# 1. STIPULATION FOR DISMISSAL OF ACTION WITH PREJUDICE [Fed. R. Civ. P. 41(a)(1)(A)(ii)]; ORDER

on the parties shown below:

David E. Newhouse, Esq. Newhouse & Associates Twin Oaks Office Plaza, Suite 112 477 Ninth Avenue San Mateo, CA 94402 Attorney for Defendants & Counterclaimants:
George Daniel Waller
Sherry J. Waller
Husband and Wife dba
Energy Management Technologies

- X (BY MAIL) I am readily familiar with the firm's practice for the processing of mail; on this date, the above-referenced documents were placed for collection and delivery by the U.S. Postal Service following ordinary business practices.
- X Federal: I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed this 7th day of August 2012 at San Rafael, California.

/s/ Gerie Johnson
Gerie Johnson

#### CERTIFICATE OF SERVICE